

including rations, fuel, training ammunition, and transportation. Such term does not include pay, allowances, and other normal costs of such country's personnel.

(Added Pub. L. 99-661, div. A, title XIII, §1321(a)(1), Nov. 14, 1986, 100 Stat. 3988; amended Pub. L. 105-85, div. A, title X, §1073(a)(35), Nov. 18, 1997, 111 Stat. 1902; Pub. L. 110-417, [div. A], title XII, §1203(a), Oct. 14, 2008, 122 Stat. 4622; Pub. L. 112-81, div. A, title X, §1061(12), Dec. 31, 2011, 125 Stat. 1583.)

#### AMENDMENTS

2011—Subsecs. (b) to (e). Pub. L. 112-81 redesignated subsecs. (c) to (e) as (b) to (d), respectively, and struck out former subsec. (b) which read as follows: “The Secretary of Defense shall submit to Congress a report each year, not later than March 1, containing—

“(1) a list of the developing countries for which expenses have been paid by the United States under this section during the preceding year; and

“(2) the amounts expended on behalf of each government.”

2008—Subsecs. (d), (e). Pub. L. 110-417 added subsec. (d) and redesignated former subsec. (d) as (e).

1997—Subsec. (e). Pub. L. 105-85 struck out subsec. (e) which read as follows: “Not more than \$13,400,000 may be obligated or expended for the purposes of this section during fiscal years 1987 through 1991.”

#### EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-417, [div. A], title XII, §1203(b), Oct. 14, 2008, 122 Stat. 4622, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 2008, and shall apply with respect to bilateral and multilateral military exercises described in section 2010 of title 10, United States Code, as so amended, that begin on or after that date.”

### § 2011. Special operations forces: training with friendly foreign forces

(a) **AUTHORITY TO PAY TRAINING EXPENSES.**—Under regulations prescribed pursuant to subsection (c), the commander of the special operations command established pursuant to section 167 of this title and the commander of any other unified or specified combatant command may pay, or authorize payment for, any of the following expenses:

(1) Expenses of training special operations forces assigned to that command in conjunction with training, and training with, armed forces and other security forces of a friendly foreign country.

(2) Expenses of deploying such special operations forces for that training.

(3) In the case of training in conjunction with a friendly developing country, the incremental expenses incurred by that country as the direct result of such training.

(b) **PURPOSE OF TRAINING.**—The primary purpose of the training for which payment may be made under subsection (a) shall be to train the special operations forces of the combatant command.

(c) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations for the administration of this section. The regulations shall require that training activities may be carried out under this section only with the prior approval of the Secretary of Defense. The regulations shall establish accounting procedures to ensure

that the expenditures pursuant to this section are appropriate.

(d) **DEFINITIONS.**—In this section:

(1) The term “special operations forces” includes civil affairs forces and military information support operations forces.

(2) The term “incremental expenses”, with respect to a developing country, means the reasonable and proper cost of rations, fuel, training ammunition, transportation, and other goods and services consumed by such country, except that the term does not include pay, allowances, and other normal costs of such country's personnel.

(e) **REPORTS.**—Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report regarding training during the preceding fiscal year for which expenses were paid under this section. Each report shall specify the following:

(1) All countries in which that training was conducted.

(2) The type of training conducted, including whether such training was related to counter-narcotics or counter-terrorism activities, the duration of that training, the number of members of the armed forces involved, and expenses paid.

(3) The extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and physical and financial contribution of each host nation to the training effort.

(4) The relationship of that training to other overseas training programs conducted by the armed forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a combatant command, and military training activities sponsored by a military department (including deployments for training, short duration exercises, and other similar unit training events).

(5) A summary of the expenditures under this section resulting from the training for which expenses were paid under this section.

(6) A discussion of the unique military training benefit to United States special operations forces derived from the training activities for which expenses were paid under this section.

(Added Pub. L. 102-190, div. A, title X, §1052(a)(1), Dec. 5, 1991, 105 Stat. 1470; amended Pub. L. 104-106, div. A, title XV, §1503(a)(18), Feb. 10, 1996, 110 Stat. 512; Pub. L. 105-261, div. A, title X, §1062, Oct. 17, 1998, 112 Stat. 2129; Pub. L. 112-81, div. A, title X, §1086(2), Dec. 31, 2011, 125 Stat. 1603.)

#### AMENDMENTS

2011—Subsec. (d)(1). Pub. L. 112-81 substituted “military information support operations” for “psychological operations”.

1998—Subsec. (c). Pub. L. 105-261, §1062(a), inserted after first sentence “The regulations shall require that training activities may be carried out under this section only with the prior approval of the Secretary of Defense.”

Subsec. (e)(5), (6). Pub. L. 105-261, §1062(b), added pars. (5) and (6).

1996—Subsec. (a). Pub. L. 104-106 substituted “To” for “TO” in heading.

**§ 2012. Support and services for eligible organizations and activities outside Department of Defense**

(a) **AUTHORITY TO PROVIDE SERVICES AND SUPPORT.**—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may in accordance with this section authorize units or individual members of the armed forces under that Secretary's jurisdiction to provide support and services to non-Department of Defense organizations and activities specified in subsection (e), but only if—

- (1) such assistance is authorized by a provision of law (other than this section); or
- (2) the provision of such assistance is incidental to military training.

(b) **SCOPE OF COVERED ACTIVITIES SUBJECT TO SECTION.**—This section does not—

- (1) apply to the provision by the Secretary concerned, under regulations prescribed by the Secretary of Defense, of customary community relations and public affairs activities conducted in accordance with Department of Defense policy; or
- (2) prohibit the Secretary concerned from encouraging members of the armed forces under the Secretary's jurisdiction to provide volunteer support for community relations activities under regulations prescribed by the Secretary of Defense.

(c) **REQUIREMENT FOR SPECIFIC REQUEST.**—Assistance under subsection (a) may only be provided if—

- (1) the assistance is requested by a responsible official of the organization to which the assistance is to be provided; and
- (2) the assistance is not reasonably available from a commercial entity or (if so available) the official submitting the request for assistance certifies that the commercial entity that would otherwise provide such services has agreed to the provision of such services by the armed forces.

(d) **RELATIONSHIP TO MILITARY TRAINING.**—(1) Assistance under subsection (a) may only be provided if the following requirements are met:

- (A) The provision of such assistance—
  - (i) in the case of assistance by a unit, will accomplish valid unit training requirements; and
  - (ii) in the case of assistance by an individual member, will involve tasks directly related to the specific military occupational specialty of the member.

(B) The provision of such assistance will not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the armed forces to perform the military functions of the member or unit.

(C) The provision of such assistance will not result in a significant increase in the cost of the training.

(2) Subparagraph (A)(i) of paragraph (1) does not apply in a case in which the assistance to be provided consists primarily of military manpower and the total amount of such assistance in the case of a particular project does not exceed 100 man-hours.

(e) **ELIGIBLE ENTITIES.**—The following organizations and activities are eligible for assistance under this section:

- (1) Any Federal, regional, State, or local governmental entity.
- (2) Youth and charitable organizations specified in section 508 of title 32.
- (3) Any other entity as may be approved by the Secretary of Defense on a case-by-case basis.

(f) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations governing the provision of assistance under this section. The regulations shall include the following:

- (1) Rules governing the types of assistance that may be provided.
- (2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from, civilian efforts.
- (3) Procedures for appropriate coordination with civilian officials to ensure that the assistance—
  - (A) meets a valid need; and
  - (B) does not duplicate other available public services.
- (4) Procedures to ensure that Department of Defense resources are not applied exclusively to the program receiving the assistance.

(g) **TREATMENT OF MEMBER'S PARTICIPATION IN PROVISION OF SUPPORT OR SERVICES.**—(1) The Secretary of a military department may not require or request a member of the armed forces to submit for consideration by a selection board (including a promotion board, command selection board, or any other kind of selection board) evidence of the member's participation in the provision of support and services to non-Department of Defense organizations and activities under this section or the member's involvement in, or support of, other community relations and public affairs activities of the armed forces.

(2) Paragraph (1) does not prevent a selection board from considering material submitted voluntarily by a member of the armed forces which provides evidence of the participation of that member or another member in activities described in that paragraph.

(h) **ADVISORY COUNCILS.**—(1) The Secretary of Defense shall encourage the establishment of advisory councils at regional, State, and local levels, as appropriate, in order to obtain recommendations and guidance concerning assistance under this section from persons who are knowledgeable about regional, State, and local conditions and needs.

(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

(i) **CONSTRUCTION OF PROVISION.**—Nothing in this section shall be construed as authorizing—

- (1) the use of the armed forces for civilian law enforcement purposes or for response to natural or manmade disasters; or